

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

RECEIVED
CENTRAL FAX CENTER

FEB 09 2005

TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

Date:

February 9, 2005

Recipient:

Examiner Barry Choobin

Company:

USPTO

Fax Number:

1-703-872-9306

Voice Number:

1-703-306-5787

Sender:

Kevin R. Lyn

Message:

In re: Marcelpoil *et al.*

Appl No.: 10/057,729

Filed: January 24, 2002

For: METHOD FOR QUANTITATIVE VIDEO-MICROSCOPY AND ASSOCIATED SYSTEM AND COMPUTER SOFTWARE PROGRAM PRODUCT

Confirmation No.: 2789

Group Art Unit: 2625

Examiner: Choobin, Barry

Please see the attached Response to Restriction Requirement (2 pages) in reference to the above-identified patent application.

Number of Pages: (including cover page)

3

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT Kevin Lyn.

USER CODE: LYNKE

CLIENT/MATTER: 035735/240498

REQUESTED BY: Kevin Lyn

OPERATOR:

Attorney's Docket No. 035735/240498

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re: Marcelpoil *et al.*
App'l No.: 10/057,729
Filed: January 24, 2002
For: METHOD FOR QUANTITATIVE VIDEO-MICROSCOPY AND ASSOCIATED
SYSTEM AND COMPUTER SOFTWARE PROGRAM PRODUCT

Confirmation No.: 2789
Group Art Unit: 2625
Examiner: Choobin, Barry

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

FEB 09 2005

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated January 12, 2005, in which the Examiner has required restriction between Group I, namely Claims 1-29, 53-81, and 106-132, and Group II, namely Claims 30-52, 82-105, and 133-154. Applicants hereby provisionally elect with traverse to prosecute the claims of Group I (Claims 1-29, 53-81, and 106-132, drawn to a method, system, and computer software program product for modeling a dye), and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

Appl No.: 10/057,729

Amdt. dated 02/09/2005

Reply to Restriction Requirement of Action dated January 12, 2005

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Kevin R. Lyn

Registration No. 42,818

CUSTOMER NO. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

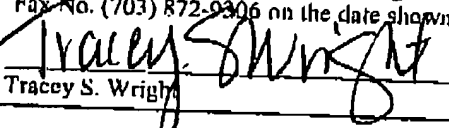
Charlotte, NC 28280-4000

Tel Raleigh Office (919) 862-2200

Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at
Fax No. (703) 872-9306 on the date shown below.


Tracey S. Wright2/9/05
Date